From:	Nickerson, Jay
To:	Salkie, Diane
Cc:	Anne Hayton; Ramirez, Myla; Cinque, Anthony
Subject:	NJDEP comments to OU4: Review of USEPA R2 Compilation of Comments, Feb. 27, 2020 regarding Draft Interim Remedy FS Appendix D, Adaptive Management, Sept. 25, 2019
Date:	Thursday, March 19, 2020 9:24:37 AM

Diane, the NJDEP would like to provide the following comments to the EPA in advance of our next IR FS work group meeting/conf call (March 25, 2020). Below are comments for consideration that address the revise Feasibility Study (FS) App. D, Adaptive Management.

Overall, the NJDEP found that EPA's comments addressed many of the Department's prior concerns/comments (Nov. 1, 2019), but noted some concerns as noted in the attached document. At your discretion, these comments are provided to the EPA for discussion at the next work group conference call.

SUBJECT: **Lower Passaic River Study Area – DASS-OU4 Upper 9 Mile Remedial Project: Review of USEPA R2 Compilation of Comments, Feb. 27, 2020 regarding Draft Interim Remedy FS Appendix D, Adaptive Management, Sept. 25, 2019**

Per USEPA Region 2's action items from FS Work Group Meeting #24, held on March 5, 2020, the following response is provided regarding NJDEP's review of the USEPA's Feb. 27, 2020 comments to CPG on the Draft FS Appendix D, Adaptive Management Plan (AM), Sept. 25, 2019. This review was performed with consideration of the Department's original Nov. 1, 2019 comments on draft FS Appendix D, and subsequent recommendations from CSTAG, Jan. 31, 2020.

Key comments and recommendations by the Department have been adequately integrated in USEPA's Feb. 27, 2020 compilation of comments for the CPG. These include the need to re-organize the structure of elements within the AM plan, especially to ensure use of AM during IR design and implementation phases, earlier application and greater specificity of AM inquiries and diagnostic evaluations in Elements 2 and 3, and improved management of PRG development. These concerns align with CSTAG recommendations 5a-e.

However, the following observations/comments are offered to improve revisions of the AM plan:

1. Adaptive Element 1 is correctly re-focused on design and implementation of the IR to ensure successful attainment of RAOs. Both hypothesis questions relate to source sediments: identification of IR sources, ability to capture these sources in remedial footprints, and then demonstrating ability to remediate these sources and attain project RAOs. However, as EPA is aware, the Department has determined that the current definition of "source sediments" for this FS (USEPA Feb. 24, 2020) does not adequately capture elevated surface sediment concentrations (regardless of inherent mobility) as an equally important aspect of "source sediment' for this IR, as reflected in the Interim Remedy RAOs (and related target SWACs). Instead, the current EPA source sediment definition focuses on contaminated sediments moving into and from the water column. In response, the Department provided comments to

address this based on CSTAG recommendation 1b. Failing initial acceptance by EPA R2, the Department offered a revised source sediment definition (J. Wolfe, LimnoTech, Feb. 28, 2020) based on CSTAG recommendations and existing descriptions of the goal/scope of this IR in the draft FS. The Department re-iterates our position that this version better represents source sediment for this particular LPR Interim Remedy and better reflects the IR RAOs.

- Related to this, the recommended Foundation statement for new Element 1 states that this IR will address "the most significant" sources of contamination in sediment, …."

Response: The use of an acceptable definition for "source sediment" for this IR will negate the need to describe "source" in relative degrees (low, medium, high), especially if the term "most significant" is not otherwise defined in the FS. It is recommended that the phrase "most significant" be removed.

2. In addition, CSTAG 5d recommended removal of PRG development and refinement as a key adaptive element; instead, this is considered a typical/routine task within CERCLA for all projects. Although EPA comment 4 states that PRGs will be developed within IR design, e.g., new Element 1, IR Design and Implementation, the current draft hypotheses/questions do not address this topic. Instead, PRGs and RGs are solely addressed in new Element 3, System Recovery. Its agreed system recovery assessment requires use of RGs, however, as stated by CSTAG 5a, remedial goals should be available prior to needing them during the post-IR phase. Therefore, new Element 1 should incorporate actions for prioritizing PRG development in the project timeline. Improved correlation between new Adaptive Elements 1 & 3 is recommended.

3. Related to comment 2 above, prior Department's comments regarding PRG development included: a. PRG development should be a prioritized, yet separate and parallel track within IR Design, b. completed within the Design timeframe, c. PRGs should not be presented as "ranges", and d. regarding refinements, if performed, these must be well-justified. These concerns were also reflected in CSTAG recommendations 5a & d. EPA comments capture most of these points, but the following recommendation is provided:

Regarding EPA comments 14 & 34, additional discussion and guidance relative to CSTAG recommendation 5d is needed. This recommendation called for enhanced rigor of the reviews through which the need for re-evaluation of PRGs would be triggered/performed. In other words, being clearer upfront regarding the types of inputs, evaluations and criteria that would either support or trigger a need for PRG re-evaluation.

4. NJDEP comments 9 and 10 (Section 4 & 5, regarding CPG's prior Element 2, Overall System Response, and Element 3, Recovery Assessment to PRGs/RGs) appear covered through EPA comments on Sections 4 & 5 (EPA comments 39 – 62); review of the next draft Appendix D will determine extent of incorporation.

5. Related to comments 1 & 2 above, Current Conditions Sampling year 2 (2020) should begin incorporating data collection to meet the needs of PRG development, including use of passive diffusion sampling for this and other project monitoring purposes.